

Exhibit II

Declaration of Michael Lansky

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I, Michael Lansky, do hereby state, under penalty of perjury, that the following facts are true and correct to the best of my current personal knowledge, information, and belief:

1. I am the President and sole member of Michael D. Lansky dba Avid Telecom, LLC Avid Telecom and I have been at all times relevant to this proceeding.
2. I have worked in the telecommunications industry for more than 25 years.
3. I am familiar with the FCC regulations relevant to the authorizations required of common carriers.
4. Avid Telecom has operated as a common carrier from the outset of its business. In support of its common carrier operations, Avid Telecom has obtained a 499 certification from the FCC.
5. Providers of information services are not required to have FCC 499 certification.
6. I understand that the Plaintiffs in this action are alleging that Avid Telecom is not a common carrier because it has the technological ability to undertake a protocol conversion from analog services to the Voice Over Internet Protocol (“VoIP Protocol”). Avid Telecom does not have the technological ability to undertake that protocol conversion, nor has it ever done so. All traffic transiting the Avid Telecom network arrives in the VoIP Protocol format, is transited in the same VoIP Protocol format, and leaves the Avid Telecom network in that VoIP Protocol format. Avid Telecom is never involved in the conversion of any call.
7. I am aware that other service providers—who are sometimes not characterized as common carriers—do have the ability to and/or actually make this described protocol conversion.

Dated: November 23, 2023

A handwritten signature in black ink, appearing to read 'Michael Lansky', with a stylized flourish at the end.

Michael Lansky